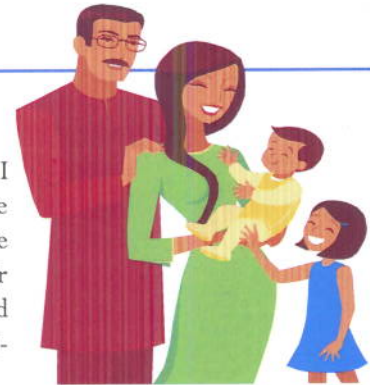


## ***Making Guardianship Desires Known Through Estate Planning...***

by Mark Christensen

As I dropped off my children for their first day of school in the KMC last month I saw around me hundreds of children and wondered how many of their parents have taken time to make known their desires about guardianship for their children in case of death. Most parents can help avoid confusion and disputes concerning care of their children by taking a few simple steps to express their preferences. We recommend that all parents have an up-to-date plan for what they want to happen with their children, and their children's property, in the event of death of the parents.



The most effective planning document for most parents is a Last Will and Testament. This is a document in which you identify family members, guardians for minor children, and beneficiaries of property. By stating your preferences in the form of a properly executed Last Will and Testament, you eliminate the uncertain and often traumatic prospect of your surviving family members guessing as to what you would have liked.

A Will lets you name several sets of people who will deal with your affairs after you die. An executor is the person who will take care of your property after you die, settle your affairs, and distribute your property to your beneficiaries. Your beneficiaries are the people who will receive your property. But most important for minor children is the appointment of guardians to take care of them and their property.

If you die without a Will or do not adequately provide for your children, these matters may be decided by a probate judge after lengthy and expensive litigation. There is no guarantee a judge will do what is best for your family. So, what should you do?

1. Discuss your desires with your spouse or the other parent of your children. Since you should each write your own Last Will and Testament, it is important that those documents are consistent. If you name your sister to care for your children, and your spouse names a brother, you have a built-in child custody dispute just waiting to happen.
2. Think through all possibilities if you have a blended family. A blended family is one with children from separate parental relationships. Carefully consider the parental, custodial, or visitation rights or roles shared by non-custodial parents, grandparents, or other relatives. Think about what is best for your child or children in terms of who can and will care for them.
3. Consider whether any of your children have special needs you can address in your Will. Not all children are equal, and you are not limited to giving your children equal shares of your property if you feel their needs are not equal. Most of us do not equally spend on our children while we are alive, and the same thinking applies to caring for our children after death.

Take the time now to consider your plan for caring for your children after your death. These are decisions that should not be made in the rush of predeployment processing, but instead after careful and thoughtful discussion with your spouse and other family members. By putting your preferences into writing in the form of a properly executed Last Will and Testament, your surviving family members will not have to guess what you would prefer, or engage in a court custody case, during their time of grief.

**The Kaiserslautern Legal Service Center Legal Assistance Office has questionnaires for creating or updating your estate or guardianship plan, and will ensure your desires are detailed in your Will. Contact the Legal Assistance Office at DSN 483-8848 or Civilian 0631-411-8848 for more information, or to set up an appointment to see a Legal Assistance Attorney.**